

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 6, 1975

Present: Chairman John E. Taft, William F. Toomey, and John C. Powers

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The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman John E. Taft.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the executive session of September 29, 1975, as amended.

Hunting Permits - Raymond Land

Present: Olga Reed of the Conservation Commission

The Board on September 29, 1975, voted conditional authorization to the Conservation Commission to issue hunting permits for the portion of the Raymond property which lies west of Raymond Road, in accordance with Article V, Section 8 of the Town Bylaws.

Mrs. Reed now met with the Board relative to the bylaw referenced above, which authorizes such permission only on property over which the Commission has jurisdiction

The property under discussion is presently under the jurisdiction of the Selectmen and awaiting the decision of the Sudbury Water District as to whether or not they wish a right-of-way over this land as access to their proposed well site in the area.

Chairman Taft reported that the Board, at its September 29 meeting, had requested the Town Engineer to follow up the matter of the status of this portion of the Raymond land and that a response had since been received from the Town Engineer which stated that the Water District most likely will not require an access right-of-way from the Selectmen.

After discussion the Board agreed that it should await a definite statement to this effect from the Water District, and, on the recommendation of Town Counsel, it was on motion unanimously

VOTED: To transfer jurisdiction of the westerly portion of the Raymond land to the Conservation Commission for purposes of issuing hunting permits and regulating hunting activities during the hunting season (s).

Heritage Park - Receipt of Massachusetts Bicentennial Commission Funds

The Executive Secretary stated that the Board had received a communication dated September 30, 1975, from William G. Flynn, Secretary of Communities and Development, and Edward A. McColgan, Executive Director, Massachusetts Bicentennial Commission, which announced that the Heritage Park Bicentennial Project has been funded in the amount of \$5,000.00.

Selectman Powers reported that these funds added to the money raised by public subscription bring to approximately \$22,000 the amount which can be used for construction of Heritage Park. Selectman Powers stated that it was hoped that these funds will allow the completion of major construction of the Old Sudbury Road and Hosmer House portions of the park before winter. He further stated that the Town Engineer is nearing completion of plans for this area of the park and that the Revolutionary War Bicentennial Committee wishes to arrange a meeting with representatives of the Park and Recreation Commission, and the Permanent Landscape Committee to discuss the remaining work.

The Executive Secretary added that the Town had previously received a Federal Bicentennial Grant in the amount of \$4,000.

One-Day Auctioneer License - David L. Turner - Tax Possession Properties

It was on motion unanimously

VOTED: To grant a one-day auctioneer license to David L. Turner for the purpose of conducting an auction of tax possession properties for the Town of Sudbury on Saturday, October 18, 1975, at 11:00 a.m. in the lower Town Hall.

One-Day Auctioneer License - Axel Sorenson - Senior Class Auction

In response to a request dated October 2, 1975, from Deborah Grace, Class Advisor, it was on motion unanimously

VOTED: To grant a one-day auctioneer license to Axel Sorenson, for the purpose of conducting an auction for the Lincoln-Sudbury Regional Senior Class on Saturday, October 18, 1975, at 9:30 a.m., at the Regional High School.

Publication - The War Years - Revolutionary War Bicentennial Committee

Selectman Powers announced, on behalf of the Revolutionary War Bicentennial Committee, that they had received the first shipment of their publication The War Years.

Selectman Powers stated that arrangements will be made for public sale of the publication in the near future at a cost of \$5.00 per copy.

Election - Highway Commission

Chairman Taft announced that the Selectmen and the remaining members of the Highway Commission will meet on October 14 for the purpose of electing a Highway Commissioner to fill the vacancy on that Commission occasioned by the resignation of John C. Hare.

Chairman Taft stated that the Board had suggested several dates and that arrangements had been made for the election to be held at 7:30 p.m., Tuesday, October 14, 1975, at the Selectmen's meeting in the lower Town Hall. He further stated that the election will be open to the public and will be by roll call vote.

Recording of Subdivision Plans

Present: Paul McNally, Chairman, Eben Stevens, Robert Cooper, and Edward Connors of the Planning Board; Emmanuel Tiliakos, Town Planner; Frank Grinnell, Chairman, Board of Assessors; Olga Reed of the Conservation Commission; and Ira Potell of the Finance Committee

Chairman Taft stated that the Board had received a letter dated September 2, 1975 from the Chairman of the Planning Board which asked that the Selectmen request an opinion from Town Counsel as to the legality and appropriateness of the Planning Board's recording of subdivision plans after approval and signing and a proposal to have their secretary act as their agent to record subdivision plans, easements and deeds.

Mr. McNally stated that the Planning Board is also concerned, once a subdivision plan has been approved, that it be recorded within a minimal amount of time after it is signed, in accordance with their rules and regulations.

Town Counsel, referring to his opinion dated September 5, 1975, stated that there was no reason why the Planning Board secretary could not record plans, deeds, and easements, but that the Town Engineer goes to the Registry on a regular basis and suggested that perhaps this service could be performed at the same time.

Selectman Powers asked Town Counsel whether anyone from the Town of Sudbury should represent the Town if the owner does not want his plan recorded and, if so, who, on behalf of the Town, should do the recording.

Town Counsel responded that in the case of a subdivision plan, there are two steps in the approval process -- Planning Board approval and the signing of the plan and covenant, making sure that it is to be recorded. Mr. Turner stated that there are some property owners who choose not to record their plans and that in these cases a planning board can endorse the plan and documents and not sign it until the owner requests recording. Mr. Turner also stated that it would be improper for a planning board to withhold endorsement of a plan because the owner does not want it recorded.

In response to Selectman Taft's question whether the Planning Board could change its regulations to the effect that once a plan is signed it must be recorded, Town Counsel stated that he was of the opinion that it would be possible, based on the lower courts' ruling, but that there is presently a test case before the Supreme Judicial Court. He further stated that the property owner has the option of having his plan signed and that the Board cannot force him to have it signed.

Selectman Toomey stated that the Town Engineer has been going to the Registry about once a month, picking up copies of deeds for himself and the Board of Assessors and also suggested that the Town Engineer continue to record plans for the Planning Board.

Mr. Grinnell stated that the Town Engineer feels that he can no longer provide this service because of his work load and stated that the Assessors would request that Town Counsel take over this function.

Mr. McNally stated that one of the Planning Board's motives in requesting that their secretary do their recording is that a number of walkway deeds and easements have been lost and have never been recorded. Mr. McNally stated that the Planning Board had asked Town Counsel for an opinion and that he had told them they could appoint an agent, such as their secretary, to do this work.

Selectman Toomey suggested that Thomas French, as assistant Town Counsel, could perform this function through the office of the Executive Secretary, stating that, in his opinion, it should be retained within the realm of the Engineering Department or Town Counsel. Selectman Toomey requested that the Planning Board discuss his suggestion.

Discussion followed during which Chairman Taft suggested that the Executive Secretary and Town Counsel request pertinent boards to check their files for old easements and deeds which should have been recorded.

Mr. Stevens stated that the Planning Board needs a way of having these documents recorded within a fast time frame.

Selectman Toomey suggested that the Planning Board propose a motion to the Selectmen that Town Counsel, through the Executive Secretary's office, would do the work within a certain time frame.

Mr. Stevens stated that the Planning Board would have to discuss the time frame.

Mr. McNally stated that, in his opinion, it is the duty of the Planning Board to handle the recording of documents and suggested that the Planning Board secretary record the bulk of the work after which they would have the documents channeled through Town Counsel.

Town Counsel stated that his office has not been involved with recording for the Planning Board, but if they wish it to be handled in this manner, he will be glad to do so.

In response to a question, Mrs. Reed stated that through the Planning Board's diligence, the Conservation Commission has had many documents recorded, but some have not been recorded, and that she is in the process of making a complete list of documents.

Mr. McNally asked Town Counsel whether the Planning Board has the right to record all subdivision plans, deeds, and easements and, if they have that right, would they not be negligent if the situation were not taken care of to their satisfaction.

Town Counsel asked if the Planning Board could execute their recording in an orderly fashion in harmony with other Boards. Mr. Turner stated that the Selectmen had suggested an orderly procedure and stated that, in his opinion, the Town Engineer should check the documents to insure that they meet his requirements.

Selectman Powers again stated that recording should be a function of Town Counsel's office and, if necessary, the budget should be increased to take care of the proper flow of all departmental documents through the legal department.

Mr. Potell asked where the money for recording would come from and whether it had previously been budgeted.

Mr. McNally responded that if the Planning Board pursues their request that their secretary record the documents, the Planning Board would request a line item in the budget or would ask that the fee be paid by the developers. He stated that there was sufficient money for travel expenses in their present budget.

Selectman Powers requested the members of the Planning Board to give the Selectmen a brief period of time to see if they could regularize the procedure to the Planning Board's satisfaction.

After further discussion, it was agreed that the Executive Secretary will contact the appropriate boards, requesting that they search their files for original documents which should be recorded. It was also agreed that the Executive Secretary will draft a new recording procedure that is more inclusive than that presently used. It was further agreed that the Selectmen would contact the Planning Board at thirty day intervals with progress reports until a new procedure is completed which is mutually satisfactory.

On another matter, Mr. McNally reported that the Planning Board in a recent letter had asked Town Counsel for a method of completion for certain incompleted and substandard subdivision roads.

Town Counsel stated that he had spoken with Robert Noyes of the Highway Department and had asked him for firm quotes on having the work done. Town Counsel stated that a procedure had been set up to have the work completed and paid for, hopefully, from the bonds. Mr. Turner also stated that Mr. Noyes is compiling the cost information and that he (Mr. Turner) will give the Selectmen and Mr. McNally a written report on the subject.

Selectman Powers stated that the Town Counsel's report should also contain the bottom line figures in the instances where old subdivision bonding money is not sufficient.

#### Selectmen's Fall Schedule of Meetings and Holidays

On the recommendation of the Executive Secretary, the Selectmen agreed that the Town Hall should close on October 13, Columbus Day, on November 11, Veterans Day, and on other future holidays unless otherwise voted, and it was, therefore, unanimously

VOTED: To indefinitely table the matter of the Selectmen's fall schedule.

#### Appointment - Special Police Officer

At the request of Police Chief Lombardi, in a letter dated October 1, 1975, it was on motion unanimously

VOTED: To appoint Russell C. Perkins as Special Police Officer, non-paid, for duty at the Regional High School, for a term to expire on April 30, 1976.

Fire Department - Vacancy

The Executive Secretary reported that a letter dated September 25, 1975, had been received from the Fire Chief Josiah Frost relative to the progress made in filling the existing vacancy in the Fire Department for the position of Firefighter. The letter stated that the written examination has been given by the Massachusetts Firefighting Academy and invited the Executive Secretary or a member of the Board of Selectmen to participate as a member of the review board in an oral interview.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To designate the Executive Secretary to serve as a member of a review board in connection with the appointment of a full-time firefighter to fill the existing vacancy on the Fire Department.

Tax Possession Land - Lot 97 Lillian Avenue - Board of Health

The Board, at its meeting on September 29, requested the Acting Executive Secretary to arrange for the sale of Lot 97, Lillian Avenue, at the October 18 auction of tax possession properties, reserving the right of the Board of Health to conduct periodic tests at that location.

The Executive Secretary now reported that due to time requirements it had not been possible to include Lot 97 with the others scheduled for auction on October 18 and he suggested that it might be sold at a later date or through an article at the anticipated November Special Town Meeting.

In other discussion the Board asked that the Executive Secretary pursue the Selectmen's September 29 direction relative to asking the Board of Health for additional information relating to their proposed testing at this site.

Executive Session

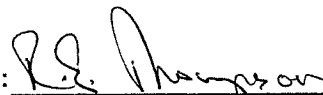
At 9:25 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing personnel matters and matters which, if made public, might adversely affect the financial interests of the Town and the reputations of persons.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 10:45 p.m.

Attest:



Richard E. Thompson  
Executive Secretary-Clerk